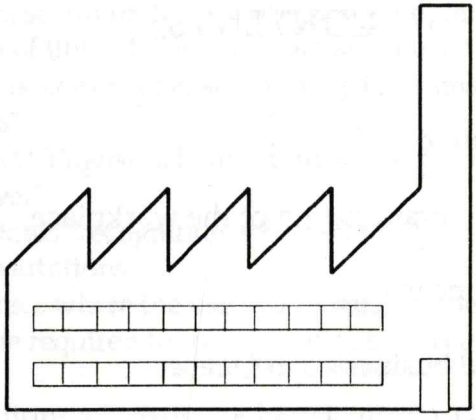
DISCUSSION OF AMENDMENTS TO BILL 101 - THE CHARTER OF THE FRENCH LANGUAGE - IN AREAS DEALING WITH THE QUESTION OF



Francization
of the workplace

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A time for change

A limited and controlled process has been undertaken to examine changes to Quebec's language law.

The Minister Responsible for the Charter of the French language has requested that the Conseil de la langue française (an advisory and research institution set up under Bill 101) present opinions on changes to five major areas of Bill 101. The areas are as follows:

1) "public signs, commercial advertising and signs relating to firm names"
2) "admission to English schools at the kindergarten, primary and secondary level"
3) bilingual status "recognition accorded by article 113(f) of the Charter" to institutions
4) "traffic signs... where the use of a language other than French may be required for reasons of public security or health"
5) "French in firms which do not have to obtain a francization certificate"

In each of these areas, there are widely disparate views held on the nature and necessity of change. What we at Alliance Quebec seek is a full, frank and constructive discussion and evaluation of all the facts in each area under discussion. We want to take into account the hopes and fears of all residents of Quebec.

The government has recognized that there are problems with this legislation. The solutions can only really be found and achieved through consensus.

As a starting point for reaching that consensus, we must begin by agreeing that these areas ought to be examined and that changes to this law, Bill 101, are not inconceivable.

Introduction to "Francization of the workplace"

In 1977, at the time of implementation of Bill 101, there was a great concern for the quantity and quality of work being done in French in Quebec. The Gendron Commission had recently reported that 82% of all written communication in Quebec was done in English.

Under Bill 101, all companies operating in Quebec with 50 or more employees are required to function in French. They must have a "francization certificate" to prove that they are doing this. When Bill 101 was introduced, most companies were given four years to comply.

The use of the French language in the workplace has increased dramatically in over the past twenty years. During this time small business has been exempted from having to seek a francization certificate for reasons that are no less compelling today. Members of Quebec's English-speaking community, like many other Quebecers, are small business owners and productive members of the Quebec economy.

Today the government of Quebec is considering lowering the threshold, forcing businesses with fewer than 50 employees to obtain for a francization certificate.

French is now the predominant language of work in Quebec. However, the continuing ability to work in English should not be undervalued. Indeed, it is crucial for the future prosperity of Quebec.

The following is taken from a letter dated December 11, 1992 from Mr. Claude Ryan, Minister responsible for the Charter of the French Language, to Mr. Pierre-Etienne Laporte, President, Conseil de la langue française. The Conseil has been asked to reply by March 31, 1993:

Given the objectives of the Charter, the importance the Government attaches to the use of French in the workplace, the remarkable results already obtained in firms due to certain provisions of the Charter of the French Language and to the work of the Office de la langue française, is it desirable to foresee changes to the Charter in order to promote French in Firms which do not have to obtain a francization certificate?

What the law means

The law obliges all firms operating in Quebec with more than 50 employees to seek and receive a "francization certificate". Firms with 100 or more employees are obliged to form a francization committee from amongst their staff to address the issue of internal francization.

Included in the list of requirements to receive a francization certificate is that the following be demonstrated to be fully in place:

- the use of French in advertising
- the use of French terminology
- the use of French in internal and external communication written and oral, as well as with clients, suppliers and the public
- an increased knowledge of French at all levels of the firm, with particular focus on senior management, and
- "appropriate policies for hiring, promotion and transfer"

The final arbitor of the effectiveness of this kind of program is the *Office de la langue française*. The Office makes a discretionary decision on the levels that have to be reached, and decides when a given business has reached them.

Other sections of Bill 101, quite separate from this portion and not at all dependant on the number of employees, already stipulate that all businesses must provide services to the public in French (sec. 5). Another section also presently stipulates that "workers have a right to carry on their activities in French" (sec. 4).

NOTE: *The ministère de l'Industrie, du Commerce et de la Technologie (MICT) of Quebec defines small business, for statistical purposes, as businesses that employ less than 50 employees. This is the same size business for which increased francization requirements are being considered. The sections of this booklet dealing with "small business" will use MICT statistics unless otherwise noted, and this entire booklet will use "small business" to mean businesses employing less than 50 people.*

A look at small businesses in Quebec

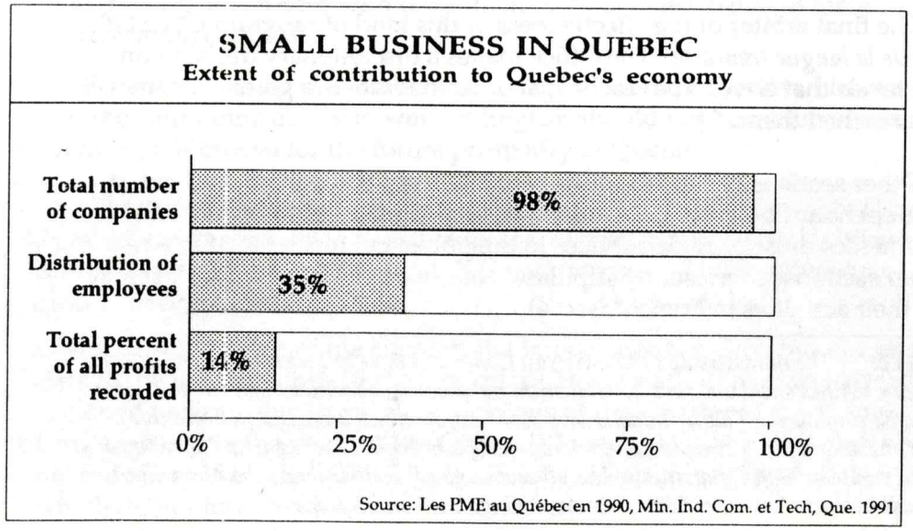
Small business is a very important part of Quebec's economic fabric.

According to the government of Quebec:

● **Businesses of under 50 employees represent 98% of all businesses in Quebec.** (Of the 172 788 businesses in Quebec, 169 243 had less than 50 employees in 1990.)

● **These small businesses employ over one third of all working Quebecers.** More than half, or 59%, of the people who are employed by small businesses in Quebec are under the age of 35. (In 1988, 908 200 people worked in small businesses of the 2 564 400 people working for businesses in Quebec.)

● **Small business alone brings in 14% of all the profits recorded in Quebec**, or $6.8 billion. This is of the total $47.4 billion in profits recorded in Quebec in 1986-87.



From 1986 to 1990, small business surpassed all other areas of business in growth, it grew at a rate of 12%.

From 1978 to 1988, when provincial legislation on francization was being applied to larger businesses in Quebec, small businesses created a net total of almost half a million new jobs in Quebec; 484 300 new positions were maintained in small business, while in the same ten year period more than 100 000 jobs were lost in large (500 employee +) companies in Quebec.

Looking at these numbers on small businesses in Quebec, a profile can be developed. On average, small businesses in Quebec employ five people and record a total profit of a little more than $40 000 per year.

While it is obvious that they make a crucial contribution to our economy, small businesses in Quebec do not have money to waste.

Francization and Quebec business

The process of implementing francization in Quebec business did not occur overnight, but it did occur relatively quickly. All companies with more than 100 employees were given a four-year notice. From the implementation of the Charter of the French language in 1977, businesses had until the end of 1980 to pass the requirements for a francization certificate.

In 1983, after the process of francization had been ongoing for several years, the Conseil du Patronat du Québec (CPQ) commissioned a study of businesses having 50 employees and over. It sought to examine their views on the implementation of francization in their businesses. They questioned both businesses in which the head office had functioned primarily in French prior to 1975, and businesses in which the head office had functioned primarily in English prior to 1975.

Their study was undertaken in August and September of 1983, and the results made up part of a presentation to the Standing Committee on Cultural Communities and Immigration (the committee then responsible for Bill 101) in October 1983.

What was most astounding about their results was that **76% of francophone businesses had problems in the direct costs associated with the francization program!**

RESULTS of CPQ study 1983 - Problems faced implementing francization

	Head Office ANGLOPHONE			Head Office FRANCOPHONE		
PROBLEMS	**Major**	**Minor**	**None**	**Major**	**Minor**	**None**
Direct costs associated with the francization program	33%	62%	5%	24%	52%	24%
Employee relations	9%	58%	33%	0%	33%	67%
Relations with suppliers	9%	53%	38%	19%	62%	19%
Customer relations	8%	42%	50%	23%	20%	57%
Productivity change caused by new working procedures	4%	42%	54%	3%	20%	77%
Internal employee mobility	30%	44%	26%	0%	30%	70%
Delays in product introduction	12%	27%	61%	3%	14%	83%

It is, in the words of the CPQ, "disturbing" that firms traditionally having an *English* head office encountered this degree of problems in the implementation of the francization program.

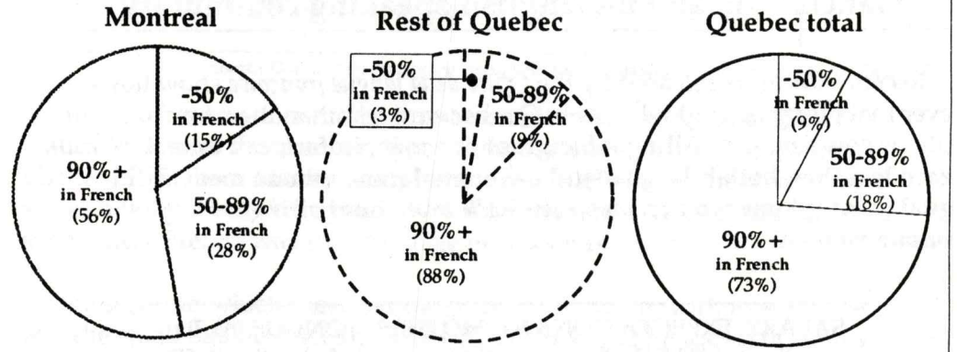
However, that as a result of this program companies with a *French* language head office tradition also had a remarkably high level of difficulty is very revealing. **A majority of companies already operating in French had problems with the associated costs of the francization program and because of it had problems in relations with suppliers!**

What this means to Quebec, and to you and me

A full 91% of all private sector employees in Quebec now spend the majority of their time working in French. On the island of Montreal, 84% of people work mostly in French (only 71% of Montrealers speak French at home). Most small and medium-sized businesses are in the rest of Quebec however, where 97% of people work mostly in French.

PERCENTAGE OF TIME SPENT WORKING IN FRENCH (1989)

Source: Indicateurs de la situation linguistique au Québec, édition 1992, Conseil de la langue française



The majority of larger businesses are on the island of Montreal (54%). These are businesses that require francization certificates. Conversely, the majority of all small and medium size businesses (64%) are <u>not</u> on the island of Montreal ("Rest of Quebec"). Nearly two thirds of the small businesses facing possible francization requirements are located where French is used almost exclusively already.

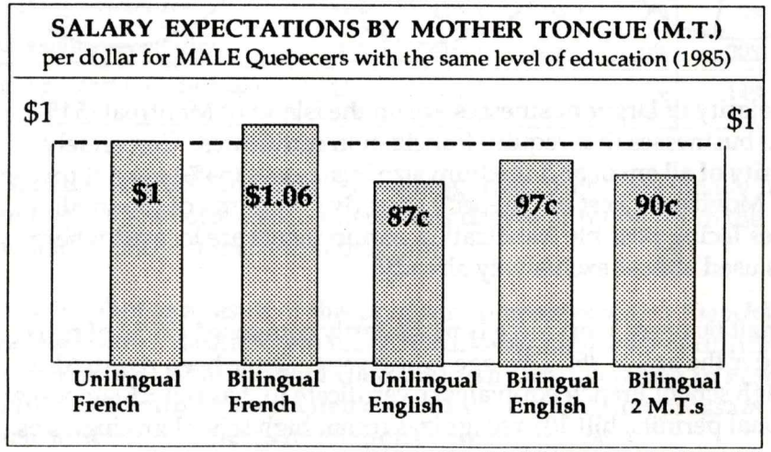
The small business workforce is majoritarily composed (59%) of residents under the age of 35. This age group would have been required to have a high school French equivalence certificate to have graduated. For professional permits, Bill 101 recognizes recent high school graduates as having "appropriate knowledge of French".

The potential paperwork involved in accessing hundreds of thousands of small businesses to ensure that they meet and implement policies with their few employees, so as to access a little more than an eighth of the profit-making market-place must be questioned.

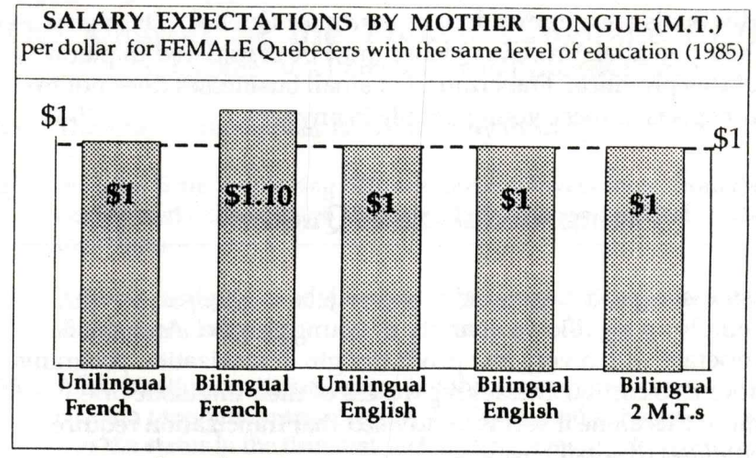
Furthermore, having seen the experience of larger, wealthier businesses in implementing francization programs, the potential impact on small businesses is quite alarming. The impact in turn on this sector and its important place in our economy requires further examination.

Francization and the English-speaking community

Recent indicators released by the *Office de la langue française* show however that bilingual anglophones in Quebec earn less than their francophone counterparts. **Bilingual anglophone men, in fact, can expect to earn less than both bilingual and unilingual francophone men. Bilingual francophone women also earn 9.1% more than bilingual anglophone women.**



Source: Conseil de la langue française - Indicateurs de la situation linguistique au Québec, 1992



Source: Conseil de la langue française - Indicateurs de la situation linguistique au Québec, 1992

Rules on francization and its implementation in the '70s and '80s dramatically limited the number of positions available for unilingual anglophones in Quebec. Many anglophones who might have considered themselves bilingual also found that their written French was not adequate for a job where French was the language of communication.

One sector in which these people could continue to work in some way was the small business sector. The *Office de la langue française* continues to encourage greater francization in small businesses and to campaign actively for it on a voluntary basis. Nonetheless there presently are some positions in small business which less than fully bilingual anglophones might work.

The prospect of introducing francization programs into small businesses in Quebec will certainly not increase the prospects of young English-speaking Quebecers entering the job market. These are among the citizens who feel that their future in Quebec are limited, even if they are bilingual. In the report of the Task Force on Job Opportunities for English-speaking Youth in Quebec (Alliance Quebec, September 1992) it was noted that 62% of English-speaking youth in high schools in Quebec felt that they would probably be leaving Quebec within five years.

These individuals are a tremendous resource for Quebec. Their prospects and their potential future in Quebec must be considered in planning the future of this province. Francization of small businesses does not increase the prospects of these young people in any way.

Facing the future in Quebec

Small businesses create the majority of new jobs in Quebec. Small businesses employ a significant quantity of young people. And small businesses operate with a very low profit margin. Francization programs have been found to cost businesses regardless of their linguistic orientation. In light of this alone it seems ill-advised that francization requirements be extended to small business.

Implementing francization in small businessess would be difficult at best, in view of the fact that small businesses in Quebec (by definition) employ few people per business.

The vast majority of work done in all parts of Quebec is presently already done in the French language, and parts of the Charter of the French language already require that all services provided by businesses be in French.

According to the *Conseil de la langue française*, pay expectations tend to favour French mother tongue employees. English-speaking Quebecers, and particularly young people, are already finding it difficult to find opportunities in Quebec.

In this context, lowering the threshold for obligatory francization of small businesses will not be a benefit to any small business. The government need only ask small business to get this answer.

Further francization requirements would not be at all helpful for the English-speaking community in Quebec as it faces an uncertain future, or to the larger Quebec community and our economy as a whole.

The Charter of the French Language (Bill 101)

Chapter V - Francization of Business Firms

135. This chapter also applies to public utility firms.

136. Business firms employing fifty or more employees must, from the date determined under section 152, hold a francization certificate issued by the Office.

137. Any firm required to hold a francization certificate is guilty of an offence if it does not hold one.

138. A francization certificate attests that the business firm is applying a francization programme approved by the Office, or that French already enjoys the status in the firm that such programmes are designed to ensure.

138.1 Where, in a business firm that is required to hold a francization certificate, the French language does not enjoy, in the opinion of the Office, the status that francization programmes are designed to ensure, the firm shall adopt a francization programme and have it approved by the Office within such time as the Office prescribes by regulation.

139. Any business firm that is required to hold a francization certificate shall, within the time prescribed by regulation, register with the Office.

140. The Office shall grant a francization certificate to a business firm if it is of opinion that such firm complies with the requirements provided for in section 138.

141. The francization programme is intended to generalize the use of French at all levels of the business firm. This implies:

(a) the knowledge of the official language on the part of management, the members of the professional corporations and the other members of the staff;

(b) an increase at all levels of the business firm, including the board of directors, in the number of persons having a good knowledge of the French language so as to generalize its use;

(c) the use of French as the language of work and as the language of internal communication;

(d) the use of French in the working documents of the business firm, especially in manuals and catalogues;
(e) the use of French in communications with clients, suppliers and the public;
(f) the use of French terminology;
(g) the use of French in advertising;
(h) appropriate policies for hiring, promotion and transfer.

142. Francization programmes must take account of the situation of persons who are near retirement or of persons who have long records of service with the business firm.

143. Francization programmes must take account of the situation relations of business firms with the exterior and of the particular case of head offices and research centers established in Québec by business firms whose activities extend outside Québec.

144. The manner of applying francization programmes in head office and in research centers may be decided by special agreements with the Office to allow the use of a language other than French as the language of operations.

The Government, by regulation, may prescribe matters that must be dealt with in the agreements.

While any agreement under this section remains in force, the head office or the research center is deemed to be observing sections 136 to 156.

144.1 The Office shall recognize such head offices and research centers as avail themselves of section 144.

The Office, by regulation, may define "head office" and "research center" and prescribe in what cases, on what conditions and according to what modalities a head office or a research center may be recognized and be the subject of an agreement.

145. In business firms producing cultural goods having a language content, francization programmes must take account of the particular situation of production units whose work is directly related to such language content.

146. Business firms employing one hundred or more employees must form a francization committee composed of at least six persons to which at least one-third of the members are appointed in accordance with section 147 to represent the workers of the firm.

The francization committee shall meet not less than three times a year.

NOTES

The reasons so many young people talk of leaving are not hard to find: almost half cite language laws as the main reason; many feel that they are not welcome in Quebec and that they do not have the same access to jobs as young French-speaking Quebecers; many believe that they have no opportunity to work in English in Quebec, yet they find their bilingual skills in demand elsewhere; many are encouraged by parents and educators to seek their future outside Quebec.

Task Force on Job Opportunities for English-speaking Youth in Quebec
September 1992

How does one explain that 76% of the "Francophones" were faced with problems because of the costs related to francization programmes because they already functioned in French? Was there an exaggeration? It is nonetheless surprising that 81% of these same respondents experienced problems with their suppliers, 33% with their employees... all of this to francise operations which already were done in French! Even among francophones, one out of three, an extremely high proportion in the circumstances, deplored the complexity of the administrative procedures related to the francization programme. One out of four considered the objectives to be unrealistic or useless.

Conseil du Patronat du Québec
Survey, for a Brief on the Charter of the French Language to the Parliamentary Committee on Cultural Communities and Immigration
October 1983

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